

Miss Noelle Rawe

4 September 2003

Our ref: LM.R360/1

Ext. 229

Your ref:

Dear Miss Rawe

Steel Services Limited -v- Yourself

Thank you for your letter of 3 September. Using your numbering:-

1. Noted and amended.
2. Noted
3. It will not become relevant at a later stage as the matter has been determined.
4. You should by now have the invoice and letter of 1 September.
5. We normally agree a fixed fee for attendance at court etc but his hourly rate is £125.00. There are no cases like that you describe as far as I am aware. Do you want me to research the point or instruct David Pliener to do so.
6. Noted. Order not yet received from the court
7. Noted. I had assumed that you meant the costs of the action as opposed to the major works. If the matter does not go to trial you will only get your county court costs by agreement with the Claimant. The LVT costs so far as they relate to them not being charged back to the service charge are being dealt with by your S.20c application. There is no provision, as far as I am aware, for you to recover your costs incurred in the LVT proceedings, from them. Again this is a matter that can be researched by either David Pliener or myself on your instructions.

In relation to Mr. Brock's fees the reason that they were not awarded was because his report was not prepared solely for the purposes of the 26 August hearing. If the matter went to trial and you were successful you could then claim those costs (which would be subject to assessment failing agreement).

8. Noted. Further draft letter attached. The Claimants are well aware as to how the sum of £2,255.07 was arrived at as we spent a considerable amount of time at court going through the figures.

(A) I am the client and it's my money - and that's how Ms McLean replies to my question!
- Talked her again in my email of 4 Sep 03, my fax of 8 Sep 03, my letter of 9 Sep 03
- She NEVER provided me with the answer

ANF


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9. The S.20 notice specifies the amount claimed by the Claimant prior to the works being commenced. The question is, did you receive a S.20 notice confirming the amount that the Claimants sought in respect of major works. If you have received one (and I think that you must have for the reasons stated in my letter of 1 September) then I will need to see it to see whether any of the points you now make are justified. With respect you are looking at matters in the wrong order. The S.20 notice would have come first. You cannot look at the LVT decision first and then the S.20 notice. (B) !!!
10. I am afraid I disagree. The tribunal has determined on this point. Of course we can seek to persuade CKFT and or Martin Russell that they ought to utilise the contingency fund and hopefully Mr. Brock will have a forceful argument on this point. You must accept however that the tribunal have made a determination on this point and neither CKFT and or Martin Russell must utilise the reserve fund.
11. The point I was making in relation to the surcharge is that it is Mr. Brock's opinion that those costs should be the responsibility of the Claimant. That is not the same as saying there is a determination and the court would have to be persuaded that Mr. Brock's opinion was the correct approach. Again let me have a copy of the S.20 notice. The references to Mr. Ladsky are, I feel, a separate issue. If his actions (and of course it would have to be proved that they were his or his agents actions) amount to harassment or intimidation then you could consider injunctive proceedings. These would be entirely separate and as you can well imagine not inexpensive. The matters you refer to are not sufficient (unfortunately) to justify an injunction being brought. (B) !!!

In respect of my second letter generally, I had dealt with the specifications in my first draft letter based on your instructions. The other matters are dealt with above.

Finally I apologise for the time you had to spend with your bank.

Yours sincerely


LISA MCLEAN
Litigation Assistant
e-mail:- lisa.mclean@pipersmith.co.uk

Enc.

(A) x (B)

Absolutely
unbelievable!

See my comments
Attached to Ms
McLean 2nd letter
of the same date
ie 4 Sep 03